

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MANDY PALMUCCI,  
Plaintiff,  
  
v.  
  
TWITTER INC., et al.,  
Defendants.

Case No. [18-cv-03947-WHO](#)

**ORDER REGARDING SUBMISSION  
BEFORE ARGUMENT**

The material facts in this case appear, after an initial review, to be substantially similar to the material facts alleged – with respect to the November 2015 Paris attacks and defendants’ services – in *Cain v. Twitter Inc.*, No. 17-CV-02506-JD and in *Gonzalez v. Google, Inc.*, 16-CV-03282-DMR. The one difference I see is that Facebook, Inc. is a defendant here but was not a defendant in *Cain* or *Gonzalez*. However, Facebook, Inc. was a defendant in similar case that I recently dismissed. *Copeland et al v. Twitter, Inc. et al.*, No. 17-CV-05851-WHO.

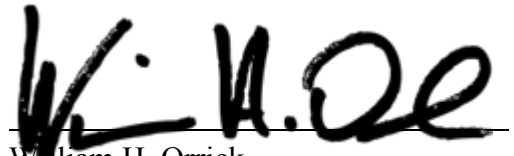
As plaintiff’s counsel knows, I have followed the reasoning with respect to the ATA/JASTA of both the *Cain* and *Gonzalez* courts. *See Copeland*, No. 17-CV-05851-WHO, Dkt. No. 47 (November 29, 2018 Order Granting Motion to Dismiss). I have also, in my prior decisions in *Fields*, adopted a rigorous application of the Communications Decency Act. *See Fields v. Twitter*, No. 16-CV-0213-WHO.

On or before 5:00 p.m. on Monday December 3, 2018, plaintiff shall file a supplemental brief not exceeding five pages identifying what material facts differentiate this case from the facts pleaded in *Copeland*, *Fields*, *Cain*, and *Gonzalez*. Plaintiff shall also identify why, given those facts, a result different from the *Copeland*, *Fields*, *Cain*, and *Gonzalez* decisions should be reached here. No response from defendants is required, but a joint defense brief not to exceed

three pages addressing these same points may be filed on or before 5:00 p.m. on Tuesday December 4, 2018. Alternatively, plaintiff may submit on the briefs and I will take the matter off calendar.

**IT IS SO ORDERED.**

Dated: November 30, 2018

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

William H. Orrick  
United States District Judge